

## **SUBCHAPTER B : WATER USE PERMIT FEES**

### **§295.131. Fees Required.**

Statutory fees must accompany an application or petition in order for it to be considered by the commission. Employees of the commission are expressly prohibited from processing any application or petition unless the proper fees are tendered. The executive director shall charge and collect for the benefit of the state the fees hereinafter provided, and it shall be his duty to make a record thereof at the time same becomes due and to render an account to the party charged therewith. Each fee is a separate charge and is in addition to other fees, unless provided otherwise.

### **§295.132. Filing, Recording, and Notice Fees.**

(a) The following fees shall be submitted with any application for a water use permit, any application for a water right amendment, or any application for an extension of time to commence or complete construction:

(1) Application filing fees are established as follows:

(A) Fees for a water use permit or an application for extension of time to begin or complete construction shall be based upon the total amount of water requested to be appropriated for impoundment and diversion as follows:

- (i) less than 100 acre-feet - \$100;
- (ii) 100 - 5,000 acre-feet - \$250;
- (iii) 5,001 - 10,000 acre-feet - \$500;
- (iv) 10,001 - 250,000 acre-feet - \$1,000; and
- (v) greater than 250,000 acre-feet - \$2,000.

(B) Fees for a temporary permit shall be based upon the total amount of water requested for impoundment and diversion as follows:

- (i) ten acre-feet or less - \$100; and
- (ii) greater than 10 acre-feet - \$250.

(C) Fees to amend a water right are \$100 per numbered water right requested to be amended, including combination amendments.

(2) Recording fees are \$1.25 per page of the application.

(3) Notice Fee. The cost of mailing notice to persons in the affected river basin varies. The applicant shall pay the total cost of mailing notice and the executive director will advise the applicant of the number of persons to whom notice is mailed and the total mailing cost.

(b) The cost of any required publication shall be paid by the applicant directly to the newspaper involved.

(c) The following are examples of applications or petitions subject to the filing and recording fee:

(1) application for a permit;

(2) application to amend a permit, certified filing or certificate of adjudication;

(3) application to alter, enlarge, extend or otherwise change any permitted reservoir, dam, main canal or diversion work;

(4) application for extension of time; and

(5) application for local sponsor designation.

**§295.133. One-Time Use Fees.**

(a) In addition to the filing, recording, and notice fees stated in §295.132 of this title (relating to Filing, Notice, and Recording Fees), the following use fees shall be submitted at the time an application for an appropriation is made:

(1) for the use of state water for irrigation, a fee of \$.50 per acre to be irrigated each year;

(2) for the impoundment of state water, except under the Texas Water Code, §11.142 and §11.1431, a fee of \$.50 per acre-foot of storage; however, if the applicant seeks to impound water in an on-channel reservoir for in-place recreational purposes, the fee is \$1.00 per acre-foot of storage (storage is based on the total holding capacity of the reservoir at normal maximum operating level);

(3) for the use of state water for any temporary purpose, a fee of \$1.00 per acre-foot or fraction thereof; and

(4) for other uses of state water not specifically named in this section, a fee of \$1.00 per acre-foot to be diverted annually. However, no political subdivision may be required to pay fees to use water to recharge underground freshwater-bearing sands and aquifers or for the abatement of natural pollution.

(b) If the total fee for a permit exceeds \$1,000, the applicant shall pay at least one-half of the use fee when the application is filed, and one-half within 180 days after notice is mailed to the applicant that the permit is granted. If the applicant does not pay all of the amount owed before beginning to use state water under the permit, the permit is annulled and reverts to the status of a pending, filed application requiring notice, the payment of notice fees, and the balance of the use fees.

**§295.134. Maximum Fees.**

A fee under §295.133 of this title (relating to One-Time Use Fees) for one use of state water under a permit from the commission shall not exceed \$50,000. The fee for each additional use of water under a permit for which the maximum fee is paid shall not exceed \$10,000. Temporary water permit use fees under §295.133 of this title (relating to One-Time Use Fees) shall not exceed \$500. The fee for any application for extension of time to commence or complete construction under §295.133 of this title (relating to One-Time Use Fees) shall not exceed \$1,000.

**§295.135. Inquiries as to Fees.**

Any inquiries as to fees should be made in advance to the executive director. The applicant is charged with the duty of tendering correct fees according to law. In case of disagreement between the applicant and the executive director over the proper amount of the fees required, the application will be filed "under protest" in accordance with the Texas Tax Code, §§112.051-112.060, and the fees paid by the applicant will be placed in suspense to await a decision by the attorney general.

**§295.136. Return of Fees.**

Other than the filing and recording fees required by statute, all fees paid pertaining to an application for a water use permit which have not been expended in the processing of the application will be placed in suspense until action is taken by the commission upon the application. If the permit is not granted, unexpended fees will be returned to the applicant. If the application is granted in part, excess use fees will be returned to the applicant. No fees will be returned to any applicant who has failed to notify the executive director of the applicant's social security or federal identification number.

**§295.137. Diversion From Un-sponsored or Storage-Limited Projects.**

No use fees shall be required of an applicant for authorization for the use of state water for domestic and livestock use from either a reservoir constructed by the federal government for which no permit has been issued or a reservoir permitted for storage solely for the purpose of optimum development of the project.

**§295.138. Extension of Time To Commence or Complete Construction.**

When notice of an application to extend time for commencement or completion of construction is required, the applicant shall pay fees as follows:

- (1) Filing and recording fees as stated in these sections;
- (2) Any required mailing fees; and
- (3) Extension fee, to be equivalent to one-time use fees, not to exceed \$1,000, established under §295.134 of this title (relating to Maximum Fees).

**§295.139. Miscellaneous Fees.**

(a) The fee for mailing copies of commission records shall be established by the State Purchasing and General Services Commission in accordance with Texas Civil Statutes, Article 6252-17a, §9.

(b) The fee for each certificate with seal shall be \$1.00.

(c) The fee for examination or search of commission records when the state has no interest shall be \$5.00 for each half hour or fraction of a half hour spent in examination or search of the records.

(d) The ownership recording fee for changing the commission ownership records of water rights shall be \$100 for each numbered water right.

**§295.140. Local Sponsor Designation Fees.**

(a) Filing and recording fees shall be submitted with each application for local sponsor designation as required by §295.132(a)(1) and (2) of this title (relating to Filing, Recording and Notice Fees).

(b) The cost of any required publication of notice shall be paid by the applicant directly to the newspaper involved.